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Title 6 HEALTH AND SANITATION

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6.30.010 Purpose.

The purpose of this chapter is to protect the health, safety and general welfare of the citizens of the city and state of California by:

- (1) Regulating nonstormwater discharge to the storm drain system.
- (2) Providing for the control of spillage, dumping or disposal of materials into the stormwater system.
- (3) Reducing pollutants in stormwater and urban runoff to the maximum extent practicable. (Ord. 1918 § 1 (part), 1997).

6.30.020 Definitions.

As used in this chapter, the following terms have the meanings prescribed.

"Areas susceptible to runoff" means those areas exposed to rainfall or other precipitations (e.g., sprinkler irrigation) or the flow of any fluid.

"Authorized enforcement officer" means the director of the department of public works of the city, including any person designated by the director to enforce the provisions of this chapter.

"Best management practices (BMP's)" means stormwater pollution control practices applicable to existing properties which significantly reduce and control stormwater runoff and prevent nonstormwater runoff pollution from entering the storm drain system and the Pacific Ocean.

"Certificate of occupancy" means the city building official's final construction approval and authorization to use a facility.

"Code" means the Monterey Park Municipal Code.

"Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance.

"Disturbed area" means an area altered as a result of clearing, grading and/or excavation of earth.

"Hazardous waste" means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code and any substance designated pursuant to 40 CFR 302. This includes unlisted hazardous substances that are solid wastes, as defined in 40 CFR 261.2, that are not excluded from regulation as hazardous wastes under 40 CFR 261.4(b) if they exhibit any of the characteristics identified in 40 CFR 261.20 through 261.24.

"Illicit connection" means any device which is connected to the storm drain system that conveys an illicit discharge.

"Illicit discharge" means any discharge into the storm drain system that is not composed entirely of stormwater, except for the following:

- (A) Any discharge in compliance with a separate NPDES construction or building permit issued to a discharger, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws.
- (B) Any discharge granted a discharge exemption by the California Regional Water Quality Board, Los Angeles Region, the executive officer of the aforesaid board or any authorized representative of the State Water Resources Control Board.
- (C) Discharges resulting from:
 - (i) Flows from riparian habitats or wetlands;
 - (ii) Diverted stream flows;
 - (iii) Springs;
 - (iv) Rising ground waters;
 - (v) Uncontaminated groundwater infiltration;
 - (vi) Discharges or flows from emergency fire fighting activities;
 - (vii) Landscape irrigation;
 - (viii) Water line flushing;

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- (ix) Potable water sources provided the discharges are managed in accordance with an approved industry-wide Standard Pollution Prevention Practices developed by the American Water Works Association, California-Nevada Section, or equivalent document;
- (x) Fountain drains;
- (xi) Footing drains;
- (xii) Air conditioning condensation;
- (xiii) Irrigation water;
- (xiv) Lawn watering;
- (xv) Water from crawl space pumps;
- (xvi) Dechlorinated swimming pool discharges;
- (xvii) Individual residential car washing;
- (xviii) Street or sidewalk washing; and
- (xix) Discharges specifically allowed by the law.

"MS4" means the municipal separate storm sewer system.

"Nonstormwater runoff" means the flow of any fluid that is not entirely composed of stormwater.

"NPDES" means the National Pollutant Discharge Elimination System.

"NPDES construction permit" means a permit issued by the Regional Water Quality Control Board to owners/developers for construction activity for sites five acres in size or larger to control sediment and other pollutants from entering the storm drain system.

"NPDES industrial permit" means a permit issued by the Regional Water Quality Control Board to owners/developers of specific categories of industrial facilities identified in federal regulations to discharge stormwater into the storm drain system.

"Storm drain system" means those facilities which convey stormwater runoff and suspended solids to the waters of the United States, including streets, alleys, roads, ditches, curbs, gutters, catch basins, conduits, streams, channels, creeks and rivers.

"Stormwater" means water that originates from atmospheric moisture (rainfall, hail, snow or snowmelt) and that falls onto land, water or other surfaces.

"Stormwater pollution prevention plan (SWPPP)" means the operator/owner-prepared plan which identifies BMP's for implementation and monitors the effectiveness of the BMP's for a specific commercial/industrial facility.

"Stormwater runoff" means the surface flow of stormwater.

"Urban runoff" means fluid flows originating from precipitation and other sources found in the storm drain system. (Ord. 1918 § 1 (part), 1997).

6.30.030 Illicit discharges and connections.

(a) No person or business shall cause or allow any discharge from their property of nonstormwater runoff to enter the storm drain system, unless such discharge is authorized by an NPDES permit or fully complies with a city-approved SWPPP.

(b) No person or business shall construct or use an illicit connection that operates intentionally or unintentionally. Any such connections shall be removed.

(c) The discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or other types of automotive service facilities are cleaned is prohibited.

(d) The discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations is prohibited.

(e) To the maximum extent practicable, discharges to the MS4 from areas where machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze are repaired is prohibited.

(f) The discharge of untreated runoff to the MS4 from storage areas of materials containing grease, oil or other hazardous substances, and uncovered receptacles containing hazardous materials is prohibited.

(g) The discharge of commercial/municipal swimming pool filter backwash to the MS4 is prohibited.

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- (h) The discharge of untreated runoff from the washing of toxic materials from paved and unpaved areas to the MS4 is prohibited.
- (i) The washing of impervious surfaces in industrial/commercial areas that results in a discharge of untreated runoff to the MS4 is prohibited or shall be controlled to the maximum extent practicable unless specifically required by state or local health and safety codes.
- (j) The discharge from washing out concrete trucks to the MS4 is prohibited.
- (k) Industrial and commercial motor vehicle parking lots with more than twenty-five spaces that are located in areas exposed to stormwater shall be regularly swept, or other equally effective measures taken, to remove debris.
- (l) The placement of machinery and equipment that are to be repaired or maintained shall be such that leaks and other maintenance related pollutants are not discharged to the MS4.
- (m) In order to control spills, dumping or disposal of materials to the MS4, the following are prohibited:
 - (1) Littering;
 - (2) The disposal of leaves, dirt or other landscape debris into a storm drain;
 - (3) The discharge to the MS4 of any pesticides, fungicides, or herbicide banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation;
 - (4) The improper disposal of food wastes;
 - (5) The disposal of hazardous wastes into trash containers for municipal trash disposal so as to cause a discharge to the MS4.
- (n) In areas exposed to stormwater, the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that may have potential adverse impacts on water quality is required.
- (o) The following BMP's shall be adhered to by all persons within the city:
 - (1) Collection, Storage and Minimization of Runoff.
 - (A) Water used for irrigation purposes shall not be allowed to run off of a site. In addition, washing down of paved areas shall be prohibited unless necessary for health or safety purposes and not in violation of any provision of this code.
 - (B) The uncovered outdoor storage of unsealed containers of building materials such as dirt, wood and wood products, mineral aggregates, liquids, and other building materials containing hazardous materials, is prohibited in areas susceptible to runoff.
 - (2) Maintenance of Equipment.
 - (A) Objects such as vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be in areas susceptible to runoff.
 - (B) Maintenance of vehicles and equipment in an uncovered outdoor area shall be performed on a pad of absorbent material to contain leaks, spills or discharges.
 - (3) Removal of Debris and Residue.
 - (A) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, and refuse, which is located in areas susceptible to runoff, shall be removed immediately and disposed of properly.
 - (B) Intentional disposal into a storm drain of green waste debris such as landscaping clips, grass, tree branches, and other vegetal materials, is prohibited.
- (p) Where best management practices and/or standard urban stormwater mitigation plan requirements have been duly and legally adopted by any federal, state of California, regional and/or local regulatory agency pertaining to any activity, operation or facility that causes or contributes to storm-water pollution or illicit discharges to the storm-water system, every person undertaking such activity or operation or owning or operating such facility shall comply with such requirements, including obtaining all necessary permits. If the requirements set forth in this chapter are more stringent than the best management practices and/or standard urban stormwater mitigation plan requirements duly and legally adopted by a federal, state of California, regional and/or local regulatory agency, the city

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engineer may waive the requirements imposed by this chapter upon a finding of good cause. (Ord. 1972 § 1, 2000; Ord. 1918 § 1 (part), 1997).

6.30.040 Illicit disposal.

(a) No person or business shall spill, dump, dispose or place any material, other than stormwater runoff, into any storm drain system.

(b) No person or business shall throw, deposit, place, leave, maintain, or permit to be thrown, deposited, placed, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, or upon any public or private plot of land in the city, so that the same might become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facilities. (Ord. 1918 § 1 (part), 1997).

6.30.050 Construction sites requiring building permit and/or grading plan.

(a) Any person or business engaging in construction activity that requires an NPDES construction permit must obtain that permit from the Regional Water Quality Control Board, and must demonstrate possession of such permit before grading and/or building permits can be issued. The NPDES construction permit shall be retained on site and shall be shown to the authorized enforcement officer upon request.

(b) No grading permit shall be issued for developments with a disturbed area of land five acres or greater unless the applicant can show that a notice to comply with the State Construction Activity Storm Water Permit has been filed and a storm water pollution prevention plan has been prepared.

(c) The following BMP's shall apply to all projects under construction in the city at the time of demolition of an existing structure or commencement of new construction, and shall remain in place until receipt of a certificate of occupancy:

(1) Runoff, sediment and construction debris shall not leave the site and enter the storm drain system.

(2) Any sediments or other materials which are tracked off site shall be removed the same day as they are tracked off site. Where determined necessary by the authorized enforcement officer, a temporary sediment barrier shall be installed.

(3) Drainage controls to prevent runoff from leaving the site shall be utilized as needed, depending on the topography of the site and extent of proposed grading. These controls may include but are not limited to the following:

(A) Detention ponds, sediment ponds or infiltration pits;

(B) Dikes, filter berms or ditches;

(C) Downdrains, chutes or flumes.

(4) Plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.

(5) Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running off site. Soil piles shall be covered until the soil is either used or removed.

(6) No runoff from washing construction or other industrial vehicles on site shall be permitted to leave the site or enter the storm drain system.

(7) The city may, as a condition of granting a construction permit, set reasonable limits on the clearing of vegetation from construction sites, including but not limited to, regulating the length of time during which soil may be bare and, in certain sensitive cases, prohibit bare soil. (Ord. 1918 § 1 (part), 1997).

6.30.060 Industrial activity sites.

(a) All persons or businesses engaged in industrial activity in the city shall acquire an NPDES industrial permit from the Regional Water Quality Control Board, before discharging any nonstormwater runoff into the storm drain system. The NPDES industrial permit shall be retained on site and shall be shown to the authorized enforcement officer upon request.

(b) Industrial and commercial facility operation/owner shall prepare and submit to the Regional Water Quality Control Board a stormwater pollution prevention plan that incorporates BMP's. To prepare their SWPPP, persons or businesses conducting industrial activities within the city should refer to the latest edition of the California Storm Water Best Management Practices Handbook for industrial/commercial facilities, produced and published by the Storm Water Quality Task Force of the American Public Works Association. (Ord. 1918 § 1 (part), 1997).

6.30.070 Fees.

Fees to be charged for plan checking, inspection and any other activities carried out by the city under this chapter shall be set by the city council by resolution. (Ord. 1918 § 1 (part), 1997).

6.30.080 Violation--Penalty.

(a) The violation of any provision of this chapter, or failure to comply with any of the requirements of this chapter, shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the sole discretion of the authorized enforcement officer, be charged and prosecuted as an infraction.

(b) In addition to the penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, is declared and deemed a nuisance, may be summarily abated and/or restored by the authorized enforcement officer, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance.

(1) The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty days, a lien shall be placed upon and against the property. If the lien is not satisfied within three months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

(2) If any violation of this chapter constitutes a seasonal recurrent nuisance, the authorized enforcement officer shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

(3) In any administrative or civil proceeding under this chapter in which the city prevails, the city shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, cost of suit and reasonable attorney fees.

(c) Penalties for Failure to Comply with BMP's. The authorized enforcement officer shall enforce this chapter as follows:

(1) For the first failure to comply with any provision of this chapter, the authorized enforcement officer shall issue to the affected person or business a written notice which includes the following information:

(A) A statement specifying the violation committed;

(B) A specified time period within which the affected person or business must correct the failure or file a written notice disputing the notice of failure to comply;

(C) A statement of the penalty for continued noncompliance.

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(2) For each subsequent failure to comply with any provision of this chapter, following written notice issued pursuant to subdivision (2) of this subsection, the authorized enforcement officer may levy a penalty for each day during which a person or business fails to comply with the provisions of this chapter. Each day following written notice shall constitute a separate offense. Said penalty shall be set by the city council by resolution. (D) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition that constitutes a violation of the provisions of this chapter, the officer may, upon consent or upon obtaining an inspection warrant, enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter. (Ord. 1918 § 1 (part), 1997).

6.30.090 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein do not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city, any officer or employee thereof, for any damages that result from reliance on this chapter or any administrative decision made thereunder. (Ord. 1918 § 1 (part), 1997).